

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA**

**RE:    SHEILA JANE WILLIAMS a/k/a  
       SHEILA M. WILLIAMS**

**CHAPTER 13  
CASE NO. 09-13645-WSS-13**

**DEBTOR**

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**MOTION FOR RELIEF FROM STAY**

COMES NOW a Creditor in this cause, CHASE HOME FINANCE, LLC, by and through its undersigned attorney, and respectfully moves this Honorable Court to enter an Order lifting the automatic stay to allow said Creditor to proceed with foreclosure. For cause, said party submits the following:

1. SHEILA JANE WILLIAMS filed a Petition under Chapter 13 of the United States Bankruptcy Code on or about August 10, 2009.
2. Movant is the holder of a secured claim against the Debtor, SHEILA JANE WILLIAMS, for the original principal amount of \$83,341.00
3. Movant has a valid security interest by virtue of a mortgage in, or lien on, the following real property used to secure the repayment of said debt:

LOT 13, LANDMARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF  
RECORDED AT SLIDE FILE 2044-D, PROBATE RECORDS, BALDWIN COUNTY,  
ALABAMA.

4. The Debtor's account with Movant is delinquent for the post-petition payments due October 2009, and thereafter. The last payment was received and applied to the September 2009 payment.
5. Movant does not have, and has not been offered, adequate protection for its interest in the real property subject to said Mortgage.
6. Movant, as holder of the mortgage, considers its interest in said real property to be threatened by Debtor's failure and refusal to pay current regular monthly payments as required in the mortgage.
7. Debtor has no realizable equity in the real property described above.
8. Movant, as holder of the mortgage, has no reasonable prospects for protection of its interest other than through foreclosure.
9. If the Movant is not permitted to foreclose its lien or security interest in said property, it will suffer irreparable injury, loss and damage.

10. The Note and Mortgage evidencing the debt owed and the security interest therein allow for recovery of reasonable attorney fees and costs. The Creditor herein has been required to expend attorney fees and costs in initiating and prosecuting this Motion for Relief in the amount of \$775.00.

WHEREFORE, Movant further prays that, upon final hearing of this Motion for Relief from Stay, this Honorable Court would enter an order lifting the stay immediately, awarding the Creditor fees and costs associated with this Motion for Relief from Stay, and, further, that the Court order the ten day stay of Rule 4001 (a)(3) of the Federal Rules of Bankruptcy Procedure shall not apply.

OF COUNSEL:

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& GAMMONS  
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BY: /S/STEVEN J. SHAW  
STEVEN J. SHAW, SHAWS 2556  
Attorney for Movant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served upon the Debtor, SHEILA JANE WILLIAMS, 28180 Landmark Avenue, Loxley, Alabama 36551, and the attorney of record for Debtor, EARL P. UNDERWOOD, JR., 21 South Section Street, Fairhope, Alabama 36532, and the trustee of record for Debtor, JOHN C. MCALEER, III, Post Office Box 1884, Mobile, Alabama 36633, by forwarding a copy of the same to said by U.S. Mail, properly addressed with postage prepaid.

Dated this 21<sup>st</sup> day of December, 2009.

/S/STEVEN J. SHAW  
STEVEN J. SHAW